

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
 S/S of a private road, 1,940' W of
 Falls Rd. & 310' S of Old Court Rd. * ZONING COMMISSIONER
 (10216 Falls Road)
 3rd Election District * OF BALTIMORE COUNTY
 2nd Councilmanic District * Case No. 95-87-A
 M. King Hill, III, et ux
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 10216 Falls Road, located in the vicinity of Rockland in northern Baltimore County. The Petition was filed by the owners of the property, M. King Hill, III and his wife, Nancy B. Hill, through their attorney, G. Page Wingert, Esquire. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (proposed detached garage) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of October, 1994 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (proposed detached garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/19/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 6, 1994

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue, Suite 700
Towson, Maryland 21204

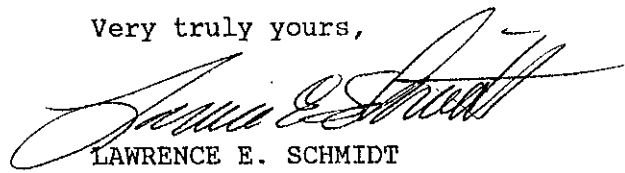
RE: PETITION FOR ADMIN. VARIANCE
S/S of a private road, 1,940' W of Falls Rd. & 310' S of Old Court Rd.
(10216 Falls Road)
3rd Election District - 2nd Councilmanic District
M. King Hill, III, et ux - Petitioners
Case No. 95-87-A

Dear Mr. Wingert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

✓ File

10/11/94

M. KING HILL, III

ATTORNEY AT LAW

· VENABLE, BAETJER AND HOWARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MD 21285-5517
(410) 494-6260
FAX (410) 821-0147

OTHER FIRM OFFICES
BALTIMORE, MD
BEL AIR, MD
MCLEAN, VA
ROCKVILLE, MD
WASHINGTON, DC



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

10216 Falls Road, Brooklandville MD 21022

which is presently zoned DRI

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 of the Baltimore County Zoning Regulations to permit an accessory building in the front yard *in lieu of the required rear yard.* *(detached garage)*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See reverse side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Page Wingert

(Type or Print Name)

Signature *G. Page Wingert*

210 Allegheny Avenue

494-6200

Address

TOWSON

MD

Phone No.

21204

State

Zipcode

Legal Owner(s):

M. King Hill, III.

(Type or Print Name)

Signature *M. King Hill, III.*

Nancy B. Hill

(Type or Print Name)

Signature *Nancy B. Hill*

10216 Falls Road

339-3473

Address

Phone No.

Brooklandville

MD

21022

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

G. Page Wingert, Esquire

Name 210 Allegheny Avenue

TOWSON

MD 21204

494-6200

Address

Phone No.

A public hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

By *[Signature]*

DATE: 9-8-94

ESTIMATED POSTING DATE

9-18-94

ITEM #: 95

ORDER RECEIVED FOR FILING

Date

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10216 Falls Road
address
Brooklandville MD 21022
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Given the orientation and location of the existing house and lane providing access to the house, requiring construction of the proposed garage in the rear yard would require a substantial amount of additional paving in order to access the garage. This additional paving would be detrimental to the Petitioners and to the neighborhood in general by necessitating the removal of lawn and trees. In addition, given the topography of the subject site, the garage can be built into the side of a hill at the proposed location, thereby minimizing disturbance and visual impact. Accordingly, without the requested variance, the Petitioners would be subject to a practical difficulty and an undue *

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

M. King Hill, III.
(signature)
M. King Hill, III.
(type or print name)



Nancy B. Hill
(signature)
Nancy B. Hill
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of September, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

M. King Hill, III. and Nancy B. Hill

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

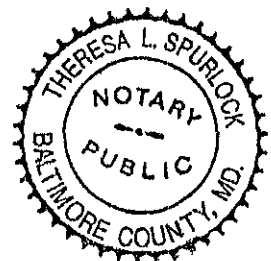
AS WITNESS my hand and Notarial Seal.

9/7/94
date

Theresa L. Spurlock
NOTARY PUBLIC Theresa L. Spurlock

My Commission Expires: August 17, 1997

* hardship in locating the garage in the rear yard.



ZONING DESCRIPTION
FOR
10216 FALLS ROAD

95
95-87-A

Election District 3

Councilmanic District 2

Beginning for the same at a railroad spike heretofore set in the center of a private road which leads in an easterly direction to the Falls Road at the beginning of a parcel of land containing 2.55 Acres more or less and secondly described in a deed dated November 27, 1985 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 7069, folio 712, which was conveyed by John T. H. Johnson and Eleanor B. Johnson, husband and wife to John T. H. Johnson and Eleanor B. Johnson, said railroad spike also being at the beginning of the fourth or South 81 degrees 14 minutes 50 seconds East 223.35 foot line of the parcel of land containing 2.512 Acres more or less and firstly described in the aforesaid deed from Johnson to Johnson and running from said place of beginning and running with and binding on a part of said fourth line and binding on the center of said private road as the courses are referred to the Baltimore County Grid Meridian, South 81 degrees 14 minutes 50 seconds East, 80.13 feet to a p.k. nail now set, thence leaving said road and outline and running for lines of division now made in 1990, the two following courses and distances viz: South 57 degrees 35 minutes 30 seconds West 118.68 feet to a pipe and South 7 degrees 55 minutes 34 seconds West 187.25 feet to a pipe now set at the end of the second or North 85 degrees 22 minutes 50 seconds West 57.84 foot line of said secondly described parcel of land containing 2.55 Acres of land more or less said pipe also being at the beginning of the second or North 86 degrees 29 minutes 10 seconds East 57.84 foot line of said firstly described parcel of land containing 2.512 Acres of land more or less, thence leaving said outlines and continuing to run for a line of division now made through said first parcel of land containing 2.512 Acres, South 42 degrees 49 minutes 37 seconds West 201.96 feet to a pipe now set in the tenth line of said firstly described parcel of land containing 2.512 Acres in the deed from Johnson to Johnson thence running with and binding on a part of said tenth line and running with and binding on the last line of said last mentioned parcel of land the two following courses and distances viz: North 88 degrees 26 minutes 30 seconds West 125.10 feet to a pipe heretofore set and North 8 degrees 08 minutes West 128.79 feet to a pipe heretofore set at the beginning of said firstly described parcel of land and at the beginning of the fourth or due North 372.12 foot line of said secondly described parcel of land in the deed from Johnson to Johnson, thence running with and binding on said fourth line and on the fifth line of said secondly described parcel of land the two following courses and distances viz: North 8 degrees 08 minutes West 372.12 feet and South 76 degrees 17 minutes East 123.87 feet to the center of the above mentioned private road and thence running with and binding on the sixth line and on the last line of said secondly described parcel of land and binding in the center of said private road the two

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95-87-A

following courses and distances viz: South 76 degrees 17 minutes
East 190.15 feet and South 78 degrees 22 minutes 30 seconds East
76.53 feet to the place of beginning.

As recorded in Deed Liber 8677, folio 113.

DESC0269.BWO

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-87-A

District 3rd.

Date of Posting 9/16/94

Posted for: Variance

Petitioner: M. King Hill & Nancy B. Hill

Location of property: 10216 Falls Rd.

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by M. Peake

Signature

Date of return: 9/23/94

Number of Signs: 1

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Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-87-A

Account: R-001-6150

Date 9-8-94

Item Number 95

Taken in by *SP*

Owner: M. King Hill III
Site: 70216 Falls Rd.

#010 _____ Residential Variance (Admin) filing fee - 50.⁰⁰

#080 _____ Sign & posting _____ 35.⁰⁰

Total \$85.⁰⁰

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03A03W0211MICRRC

BA C010:04AMD9-08-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

G. Page Wingert
Venable, Baetjer & Howard
210 Allegheny Ave.

SEP. 28 1994

Towson, Maryland 21204

RE: Item No. 95, Case No. 95-87A

Petitioner: M. Hill, N. Hill

Dear Petitioners:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 8, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR:jaw

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-14-94.

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 95 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: September 26, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for September 26, 1994
Items 90, 91, 93, 94, 95, 97, 98 and 99

The Developers Engineering Section has reviewed the zoning items for the subject meeting and we have no comments.

RWB:sw

SEP. 28 1994

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: *Sept. 19*

DATE: *9/22/94*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 90

95

96

97

98

99

88

SEP. 28 1994

LS:sp

LETTY2/DEPRM/TXTSBP

RECEIVED

4,
Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

95-87-A

DATE: 09/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RECEIVED
SEP 26 1994

ZADM

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW ... Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 88, 90, 94, 95, 97,
98 AND 99.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE (877-4681, 118-1106F

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 15, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 90, 93, 94, 95, 96, 97, 98 and 99.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL:lw

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 16, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: M. King Hill, III and Nancy B. Hill
10216 Falls Road
Brooklandville, Maryland 21022

Re: CASE NUMBER: 95-87-A (Item 95)
10216 Falls Road
private road, 1940' W of Falls Road, 310' S and opposite centerline Old Court Road
3rd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 18, 1994. The closing date (October 3, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: G. Page Wingert, Esq.

RECEIVED
SEP 21 1994
BALTIMORE COUNTY



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 10216 Falls Rd

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: M. King Hill, 3rd + Nancy B. Hill

95-81-A

John T.H. Johnson
Rose Randall Johnson, et al
Deed Ref. 64 39/185
Tax # 3/200004492 - 383A

Garrett Harrison
Deed Ref. 3191/117
Tax Acct No. 3/030700220 - 6.39 A.
3/030700221 - 1.8 A.

Lorraine B. Goldstein
Deed Ref. 8581/741
Tax Acct No. 3/0310046720
38452 A.

M King Hill 3rd
Nancy B. Hill
Deed Ref. 8077/113
Tax Acct No. 3/2200007057
3.06 A.

John T.H. Johnson
Eleanor B. Johnson
Deed Ref. 7069/712
Tax Acct No. 3/1800007609
827 A.

John T.H. Johnson
Eleanor B. Johnson
Deed Ref. 7069/712
Tax Acct No. 3/0310046710
178 A.

West Lakeland Assoc., Inc.
Deed Ref. 8706/485
Tax Acct No. 3/2200002211
20.225 A.

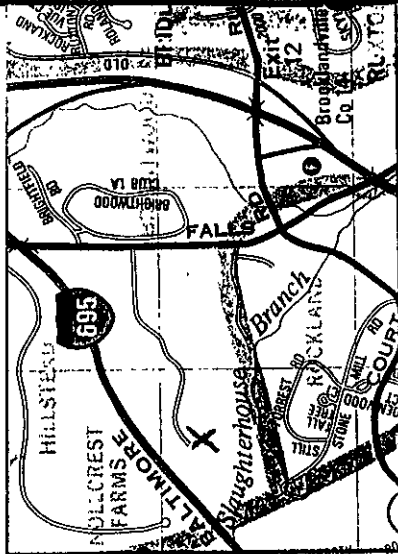


North

date: _____

prepared by: B. Ormond

Scale of Drawing: 1" = 100'



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: 3rd

Councilmanic District: 2nd

1"=200' scale map#: NW10-C

Zoning: DR1

Lot size: 3.064 acreage 133,293.6 square feet

SEWER: ☒ public ☐ private
WATER: ☐ yes ☒ no
Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: *PP* ITEM #: 95 CASE#:





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION
ROCKLAND

N.W.
10-C

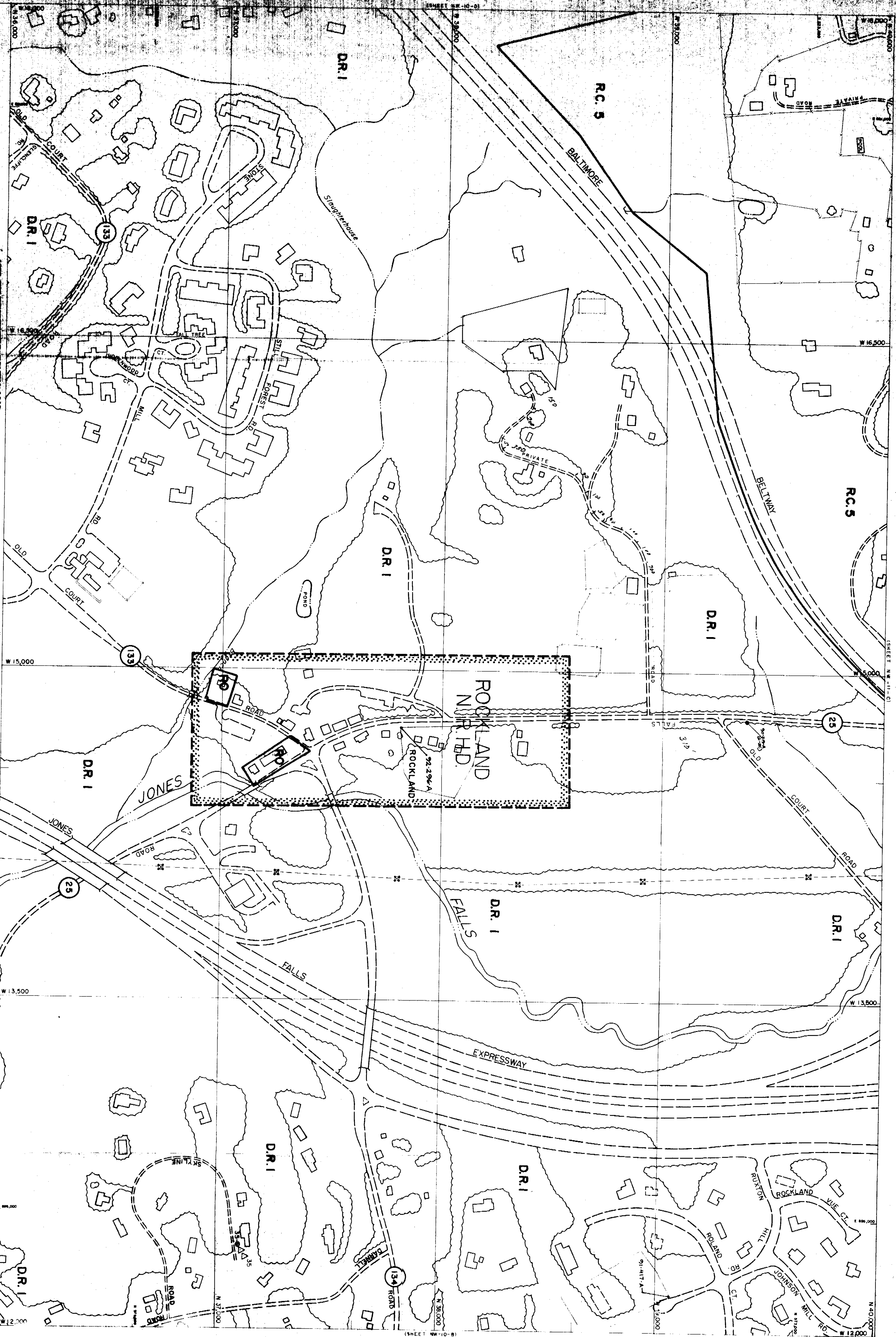
DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET

MICROFILMED

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

95-87-A



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
William H. Hunt
Baltimore County Council

| SCALE | LOCATION | SHEET |
|---------------------|----------|-------|
| 1" = 200' | ROCKLAND | N.W. |
| DATE OF PHOTOGRAPHY | | 10-C |
| JANUARY 1986 | | |

95-87-A

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of a private road, 1,940' W of
Falls Rd. & 310' S of Old Court Rd.
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3rd Election District
2nd Councilmanic District
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Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-87-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of October, 1994 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (proposed detached garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 6, 1994

(410) 887-4386

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ADMIN. VARIANCE
S/S of a private road, 1,940' W of Falls Rd. & 310' S of Old Court Rd.
(10216 Falls Road)
3rd Election District - 2nd Councilmanic District
M. King Hill, III, et ux - Petitioners
Case No. 95-87-A

Dear Mr. Wingert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file

- 2 -

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) take cognizance to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at

10216 Falls Road
Brooklandville MD 21022
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (please number or practical difficulty)

Given the orientation and location of the existing house and lane providing access to the house, requiring construction of the proposed garage in the rear yard would require a substantial amount of additional paving in order to access the garage. This additional paving would be detrimental to the Petitioners and to the neighborhood in general by necessitating the removal of lawn and trees. In addition, given the topography of the subject site, the garage can be built into the side of a hill at the proposed location, thereby minimizing disturbance and visual impact. Accordingly, without the requested variance, the Petitioners would be subject to a practical difficulty and an undue *

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

M. King Hill, III
M. King Hill, III.
Nancy B. Hill
Nancy B. Hill
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: _____
I HEREBY CERTIFY, the _____ day of September, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
M. King Hill, III, and Nancy B. Hill

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath or due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Theresa L. Durbach
Theresa L. Durbach
Notary Public
BALTIMORE COUNTY, MD

My Commission Expires August 17, 1997

* hardship in locating the garage in the rear yard.

ZONING DESCRIPTION
FOR
10216 FALLS ROAD
95-87-A
Election District 3 Councilmanic District 2

Beginning for the same at a railroad spike heretofore set in the center of a private road which leads in an easterly direction to the Falls Road at the beginning of a parcel of land containing 2.55 Acres more or less and secondly described in a deed dated November 27, 1985 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 7069, folio 712, which was conveyed by John T. H. Johnson and Eleanor B. Johnson, husband and wife to John T. H. Johnson and Eleanor B. Johnson, said railroad spike also being at the beginning of the fourth or South 81 degrees 14 minutes 50 seconds East 223.35 foot line of the parcel of land containing 2.512 Acres more or less and firstly described in the aforesaid deed from Johnson to Johnson and running from said place of beginning and running with and binding on a part of said fourth line and binding on the center of said private road as the courses are referred to the Baltimore County Grid Meridian, South 81 degrees 14 minutes 50 seconds East, 80.13 feet to a p.k. nail now set, thence leaving said road and outline and running for lines of division now made in 1990, the two following courses and distances viz: South 57 degrees 35 minutes 30 seconds West 118.68 feet to a pipe and South 7 degrees 55 minutes 34 seconds West 187.25 feet to a pipe now set at the end of the second or North 85 degrees 22 minutes 50 seconds West 57.84 foot line of said secondly described parcel of land containing 2.55 Acres of land more or less said pipe also being at the beginning of the second or North 86 degrees 29 minutes 10 seconds East 57.84 foot line of said firstly described parcel of land containing 2.512 Acres of land more or less, thence leaving said outlines and continuing to run for a line of division now made through said first parcel of land containing 2.512 Acres, South 42 degrees 49 minutes 37 seconds West 201.96 feet to a pipe now set in the tenth line of said firstly described parcel of land containing 2.512 Acres in the deed from Johnson to Johnson thence running with and binding on a part of said tenth line and running with and binding on the last line of said last mentioned parcel of land the two following courses and distances viz: North 88 degrees 26 minutes 30 seconds West 125.10 feet to a pipe heretofore set and North 8 degrees 08 minutes West 128.79 feet to a pipe heretofore set at the beginning of said firstly described parcel of land and at the beginning of the fourth or due North 372.12 foot line of said secondly described parcel of land in the deed from Johnson to Johnson, thence running with and binding on said fourth line and on the fifth line of said secondly described parcel of land the two following courses and distances viz: North 8 degrees 08 minutes West 372.12 feet and South 76 degrees 17 minutes East 123.87 feet to the center of the above mentioned private road and thence running with and binding on the sixth line and on the last line of said secondly described parcel of land and binding in the center of said private road the two

following courses and distances viz: South 76 degrees 17 minutes East 190.15 feet and South 78 degrees 22 minutes 30 seconds East 76.53 feet to the place of beginning.

As recorded in Deed Liber 8677, folio 113.

DESC0288 BWO

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 10216 Falls Road, Brooklandville MD 21022

which is presently zoned DRI

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 of the Baltimore County Zoning Regulations to permit an accessory building in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See reverse side

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| | | | |
|---|--|--|--|
| M. KING HILL, III | | VENABLE, BAETJER AND HOWARD | |
| ATTORNEY AT LAW | | A PARTNERSHIP INCORPORATED IN MARYLAND | |
| 210 ALLEGHENY AVENUE TOWSON, MD 21204-5517 FAX (410) 881-0147 | | OTHER FIRM OFFICES BALTIMORE, MD BETHESDA, MD ROCKVILLE, MD WASHINGTON, DC | |
| City | | State | |
| Zip Code | | City | |
| Address for Petitioner G. Page Wingert (Type or Print Name) | | 10216 Falls Road Brooklandville MD 21022 City State Zip Code | |
| Name G. Page Wingert, Esquire 210 Allegheny Avenue Towson MD 21204 Phone No. 494-6200 | | Name Nancy B. Hill 210 Allegheny Avenue Towson MD 21204 Phone No. 494-6200 | |

OFFICE RECEIVED FOR FILING

RECEIVED BY: *JP* DATE: 9-8-94
ESTIMATED POSTING DATE: 9-18-94

ITEM #: 95

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd
Posted for: Variance
Petitioner: M. King Hill, III & Nancy B. Hill
Location of property: 10216 Falls Rd.
Location of Sign: Front road way, per property being zoned.
Remarks:
Posted by: *M. King Hill, III*
Number of Signs: 1
Date of Posting: 9/14/94
Date of return: 9/23/94

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 9-8-94

Owner: M. King Hill, III
Site: 10216 Falls Rd.

01P Residential Variance (Admin) filing fee - 50.00
080 Sign & Posting 35.00
Total - 85.00

Please Make Checks Payable To: Baltimore County
03A0302111CHRC
03A04010411CHRC-08-94 \$85.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

G. Page Wingert
Venable, Baetjer & Howard
210 Allegheny Ave.
Towson, Maryland 21204

RE: Item No. 95, Case No. 95-87A
Petitioner: M. Hill, M. Hill

SEP 20 1994

Dear Petitioners:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 8, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR:jaw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. * 95 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: September 26, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for September 26, 1994
Items 90, 91, 93, 94, 95, 97, 98 and 99

The Developers Engineering Section has reviewed the zoning items for the subject meeting and we have no comments.

RWB:aw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson DATE: 9/23/94

FROM: DEPRM Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept 17

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 90
95
96
97
98
99
88

SEP 28 1994

LS:sp
LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/28/94

RECEIVED
SEP 26 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agency:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 83, 90, 94, 95, 97, 98 AND 99.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 15, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 90, 93, 94, 95, 96, 97, 98 and 99.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Campbell Kenna

PK/JL:lw

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 16, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: M. King Hill, III and Nancy S. Hill
10216 Falls Road
Brooklandville, Maryland 21022

Re: CASE NUMBER: 95-87-A (Item 95)
10216 Falls Road
private road, 1940' W of Falls Road, 310' S and opposite centerline Old Court Road
3rd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 18, 1994. The closing date (October 3, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or still go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: G. Page Wingert, Esq.

REVIEWER: LT. ROBERT P. SQUERMAN
Fire Marshal Office, PHONE 887-4881, RE-11052

cc: File

Printed with Recycled Ink
on Recycled Paper

ZAC. 90/PZONE/ZAC1

Printed with Recycled Ink
on Recycled Paper

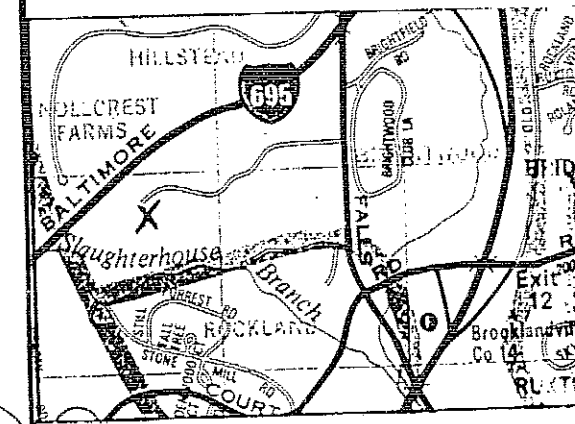
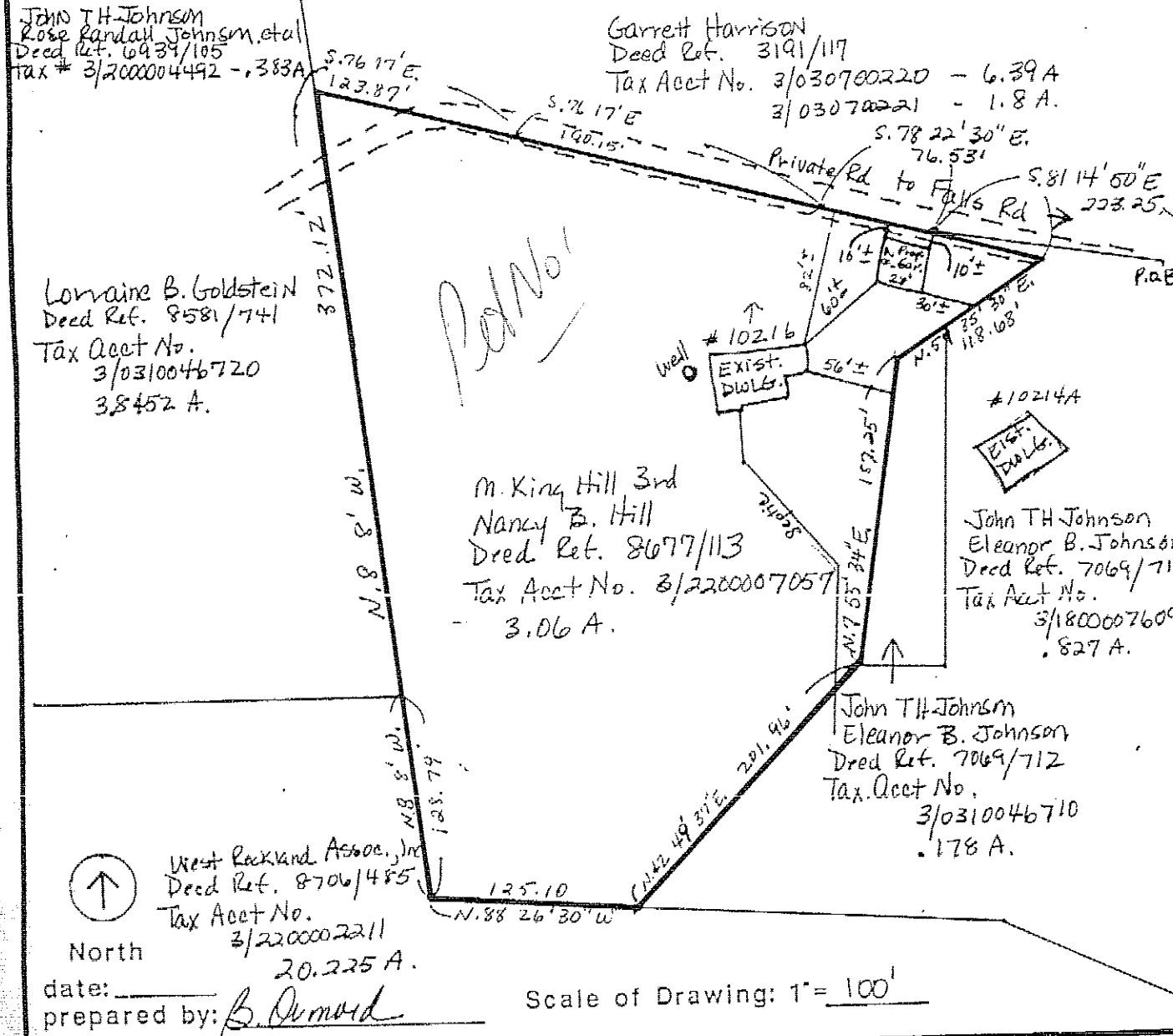
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 10216 Falls Rd
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
plat book# _____, folio# _____, lot# _____, section# _____

OWNER: M. King Hill, 3rd + Nancy B. Hill

95-87-A

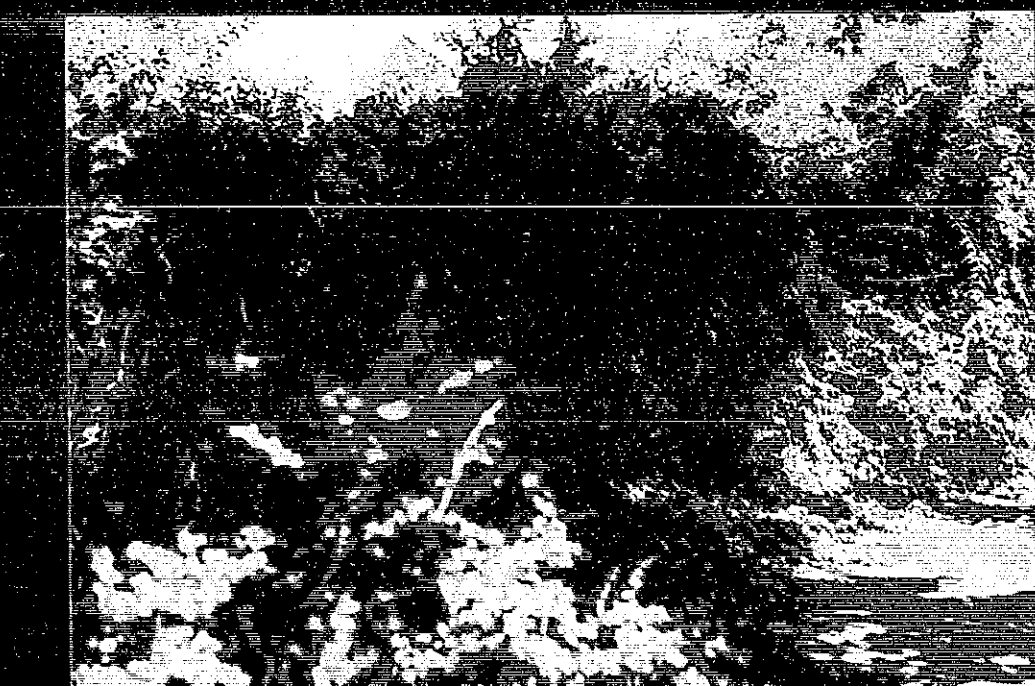


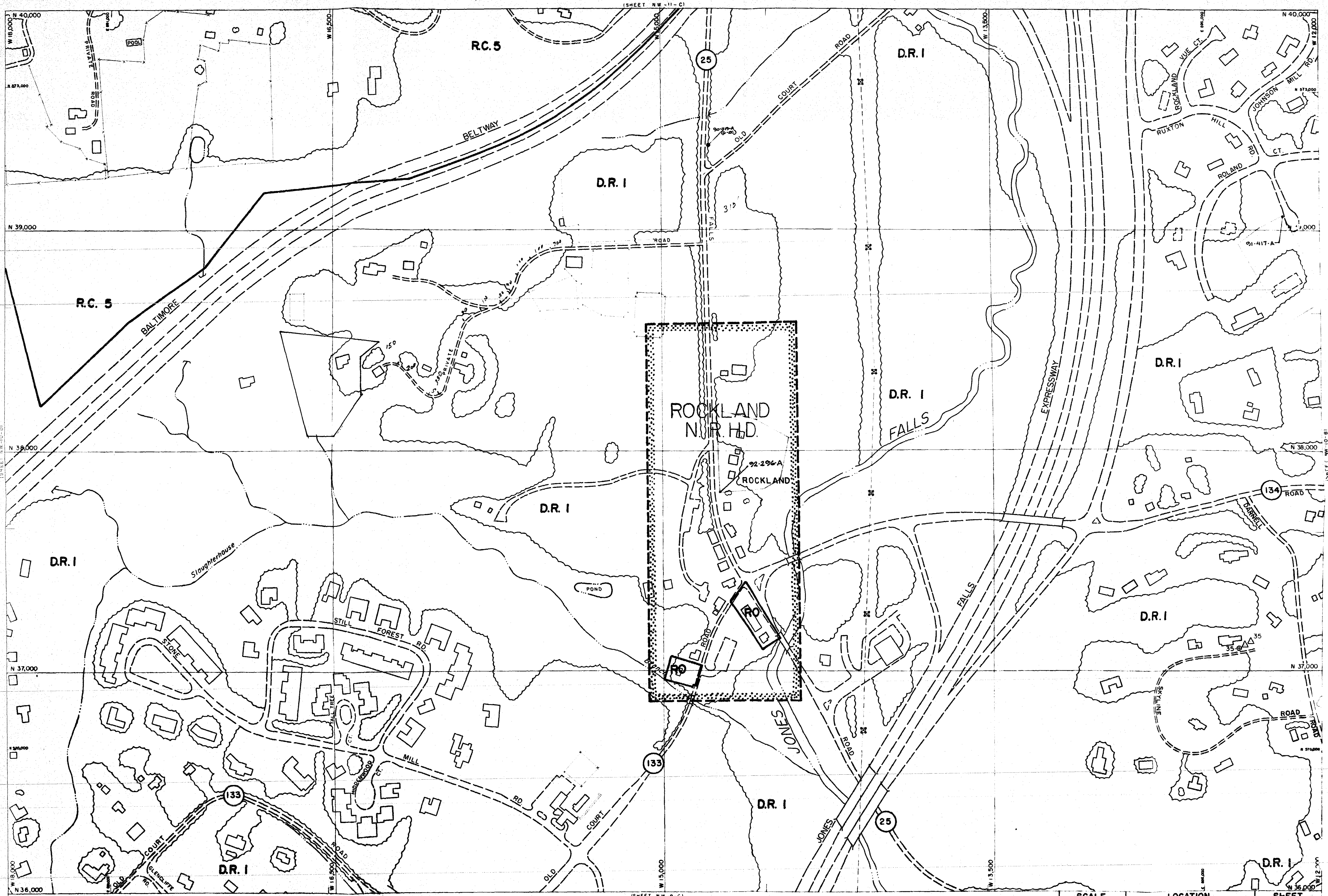
North
scale: 1" = 1000'

LOCATION INFORMATION
Election District: 3rd
Councilmanic District: 2nd
1" = 200' scale map#: NW10-C
Zoning: DRI
Lot size: 3.064 acreage 133,293.6 square feet
SEWER: ☒ public ☐ private
WATER: ☐ public ☒ private
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: None

Zoning Office USE ONLY!
reviewed by: *[Signature]* ITEM #: 95 CASE#:

Photographs
in
Case 95-87-A





O-NW O-NE
S-SW S-SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Baltimore County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Baltimore County Council

SCALE
1" = 200' ±

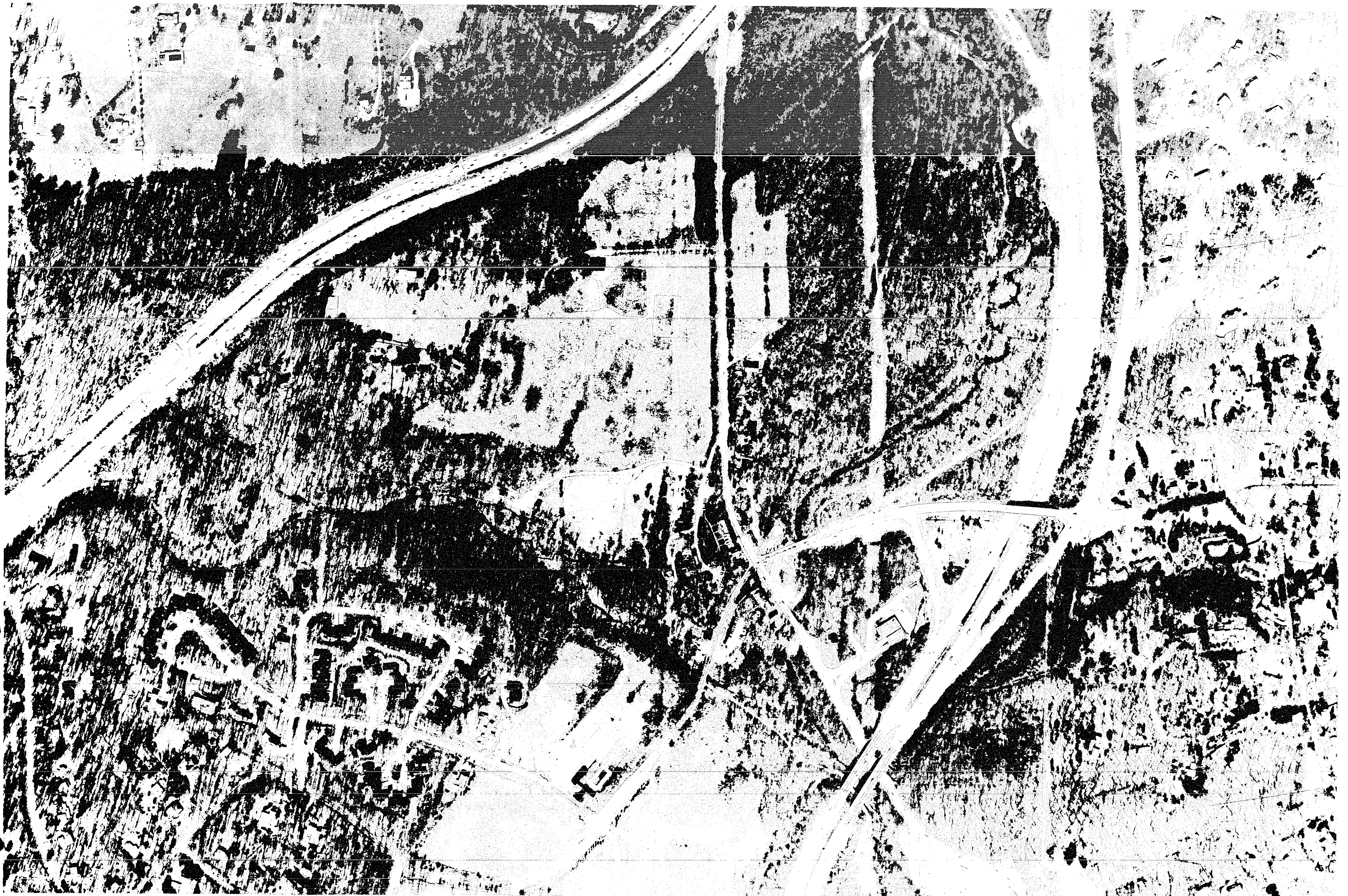
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ROCKLAND

SHEET
N.W.
10-C

95-87-A

95-87-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

ROCKLAND

N.W.
10-C